



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Dennison et al.

**Serial No.:** 10/020,741

**Filed:** December 12, 2001

**For:** OPTIMIZED CONTAINER  
STACKED CAPACITOR DRAM CELL  
UTILIZING SACRIFICIAL OXIDE  
DEPOSITION AND CHEMICAL  
MECHANICAL POLISHING

**Confirmation No.:** 2283

**Examiner:** T. Nguyen

**Group Art Unit:** 2813

**Attorney Docket No.:** 2269-3259.1US  
(91-0473.02/RE)

**Notice of Allowance Mailed:**

December 27, 2007

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV 962535265

Date of Deposit with USPS: March 27, 2007

Person making Deposit: Cat Bratton

**TRANSMITTAL LETTER**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith Part B - Fee(s) Transmittal for the above-captioned application and a check in the amount of \$1,400.00 in payment therefore.

Serial No.: 10/020,741

Also, enclosed are Comments on Statement of Reasons for Allowance (3 pages) and Fee Addressee for Receipt of PTO Notice Relating to Maintenance Fees (2 pages).

Applicants understand that no additional fees are required. However, if the Office determines that any comparison fees or other additional fees are required, the Commissioner is authorized to charge any such fees to TraskBritt Deposit Account No. 20-1469. A copy of this Transmittal Letter is enclosed for deposit account charging purposes.

Respectfully submitted,



Edgar R. Cataxinos  
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Attorney for Applicants  
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Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: March 27, 2007  
ERC/mah:tp

Enclosures: Part B - Issue Fee Transmittal  
Check No. 23590 in the amount of \$1,400.00  
Copy of this Transmittal Letter  
Comments on Statement of Reasons for Allowance (3 pages)  
Fee Addressee for Receipt of PTO Notice Relating to Maintenance Fees (2 pages)

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December 27, 2006

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**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed December 17, 2006, and sets forth Applicants' comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance mailed August 12, 2004, the Examiner indicates:

It is agreed that none of the art of record teaches or suggests the claimed method for forming a capacitor including forming a second insulating layer over the entire first conductive layer, and removing a portion of the second insulating layer through use of chemical mechanical planarization until an uppermost portion of the first conductive layer is reached or exposed. The CMP of the second insulating layer ceases once an uppermost layer of the first conductive layer is reached or exposed which is not disclosed by Gonzales reference.

In the Notice of Allowance mailed December 27, 2006, the Examiner indicates:

None of the references of records teaches or suggests the claimed method for forming a capacitor including the step of forming a second insulating layer over the entire the first conductive layer and removing the second insulating layer through use of CMP until an uppermost portion of the first conductive layer is exposed.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that, pursuant to 37 C.F.R. §1.104(e), the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



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Date: March 27, 2007  
JAW/mah:slm

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